



House of Representatives

General Assembly

File No. 231

February Session, 2008

House Bill No. 5529

House of Representatives, March 27, 2008

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING YOUTH WHO RUN AWAY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-150f of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) Any selectman, town manager, police officer or welfare
5 department of any town, city or borough, any probation officer, any
6 superintendent of schools, any child-caring institution or agency
7 approved or licensed by the Commissioner of Children and Families,
8 any youth service bureau, a parent, [or] guardian, foster parent or
9 other custodian of a youth, or a representative of a youth, who believes
10 that the acts or omissions of a youth are such that such youth is a
11 youth in crisis may file a written complaint setting forth those facts
12 with the Superior Court which has venue over the matter.

13 (b) A petition alleging that a youth is a youth in crisis shall be
14 verified and filed with the Superior Court which has venue over the

15 matter. The petition shall set forth plainly: (1) The facts which bring
16 the youth within the jurisdiction of the court; (2) the name, date of
17 birth, sex and residence of the youth; (3) the name and residence of the
18 parent or parents, guardian, foster parent, other custodian or other
19 person having control of the youth; and (4) a prayer for appropriate
20 action by the court in conformity with the provisions of this section.

21 (c) Upon determination that a youth is a youth in crisis in
22 accordance with policies established by the Chief Court Administrator,
23 the court may make and enforce orders, including, but not limited to,
24 orders: (1) Directing the Commissioner of Motor Vehicles to suspend
25 the motor vehicle operator's license of the youth in crisis for a period of
26 time, as directed by the court, but not to exceed one year; (2) requiring
27 work or specified community service; (3) mandating that the youth in
28 crisis attend an educational program in the local community approved
29 by the court; (4) requiring mental health services; (5) referring the
30 youth in crisis to a youth service bureau, provided one exists in the
31 local community; and (6) reviewing the option of emancipation,
32 pursuant to section 46b-150 of the 2008 supplement to the general
33 statutes, of the youth in crisis or the parent, [or] guardian, foster parent
34 or other custodian of such youth in crisis. Upon determination that a
35 youth is a youth in crisis because the youth has without just cause run
36 away from the parental home or other properly authorized and lawful
37 place of abode, the court may, prior to January 1, 2010, order the youth
38 in crisis to be subject to the control of the youth's parent or parents,
39 guardian, foster parent or other custodian, except as required under
40 any other provision of law, for a period of time, as directed by the
41 court, but not beyond the date the youth attains the age of eighteen. A
42 youth in crisis found to be in violation of any order under this section
43 shall not be considered to be delinquent and shall not be punished by
44 the court by incarceration in any state-operated detention facility or
45 correctional facility.

46 (d) The Judicial Department may use any funds appropriated for
47 purposes of this chapter for costs incurred by the department or the
48 court pursuant to this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	46b-150f
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill clarifies the authority of the court when making orders concerning a youth in crisis who runs away, which has no fiscal impact. It also makes minor and technical changes.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5529*****AN ACT CONCERNING YOUTH WHO RUN AWAY.*****SUMMARY:**

Until January 1, 2010, this bill permits judges to order 16- and 17-year old runaways who they adjudicate as being “youth in crisis” to submit to the control of their parents, guardians, foster parents, or other custodians for a period of time the court specifies. The court must find that the youth meets the legal criteria under the existing youth in crisis law (e.g., that the reason for running away was not justified).

The order cannot override any other law or extend beyond the youth’s 18th birthday. As with other court orders directed at youth in crisis, violations are not delinquent acts and cannot subject the youth to detention or imprisonment.

Current law allows parents and foster parents to initiate youth in crisis proceedings. The bill expands the list of caregivers who may take this action to include guardians and other custodians. It makes conforming changes by (1) requiring the petition filed to start the proceedings to include the name and address of the foster parents or other custodians, as appropriate, and (2) requiring courts to review emancipation as a possible option with these additional types of caregivers.

EFFECTIVE DATE: October 1, 2008

BACKGROUND***Youth in Crisis Law***

The law, which is repealed on January 1, 2010, covers 16- and 17-

year- olds who are beyond their parents' control, run away from home, or fail to go to school. Juvenile courts can make and enforce orders directed at youth in crisis, including suspending driver's licenses, and requiring school attendance, mental health or substance abuse treatment, employment, or community service. The court can also consider whether a youth in crisis may be eligible for emancipation (i.e., be declared a legal adult).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/12/2008)